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MEMORANDUM ENDORSED

July 9, 2022

Via ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Navigators Insurance Company v. Goyard, Inc.*, Case No. 1:20-cv-06609-AKN-GWG

Dear Judge Gorenstein:

We are counsel for defendant Goyard, Inc. (“Goyard” or “Defendant”) in the above-referenced action. We write pursuant to Your Honor’s Order of May 3, 2022 (the “May 3 Order”), requiring the parties to propose a schedule for the remainder of this action following the issuance of a decision on the Goyard’s Motion to Strike the Expert Report of Robert V. Comegys (the “Motion to Strike”).

We write jointly with counsel for plaintiff Navigators Insurance Company (“Navigators” or “Plaintiff”). Counsel for Navigators has recently experienced internal unforeseen circumstances, which has delayed the sending of this letter. We apologize for the delay in sending this notice.

As the Court is aware, on July 5, 2022, Navigators filed a Motion for Reconsideration of the Court’s Opinion and Order of June 21, 2022, granting Defendant’s Motion to Strike. Pursuant to Your Honor’s Individual Practices 2B, the parties have agreed to the following briefing schedule: Goyard’s Opposition Papers to be served on or before July 19, 2022 and Navigators’ Reply Papers to be served on or before August 1, 2022.

In addition, the parties have scheduled the deposition of Navigators’ remaining expert, Brian Higgins, for August 9, 2022. As referenced above, the extended deadlines on both the Motion for Reconsideration and the Higgins deposition are the result of issues faced by counsel for Navigators, which will be resolved in the coming weeks.

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The parties have conferred, and if Navigators' Motion for Reconsideration is denied, then following the completion of the Higgins deposition, all discovery in this case will be complete, as there will be no further expert disclosures and no further document production from Navigators.¹ As such, the parties propose a schedule to file summary judgment motions within approximately 60-days of the completion of Mr. Higgins' deposition.

However, if the Motion for Reconsideration is granted, Goyard reserves the right to take Mr. Comegys' deposition and put forth a rebuttal expert. The parties will work together in good faith to schedule the disclosure and deposition of such expert, if necessary.

In view of the foregoing, the parties have stipulated and agreed to the following briefing schedule and discovery deadlines:

Event	Current Deadline	Stipulated Deadline
Opposition to Motion for Reconsideration	N/A	July 19, 2022
Reply to Motion for Reconsideration	N/A	August 1, 2022
Conduct expert deposition of Brian Higgins	N/A	August 9, 2022
File motions for summary judgment	N/A	October 12, 2022

If the above proposed schedule is acceptable, the parties respectfully request that the Court so order this joint letter motion.

We thank the Court for its attention to this matter.

Very truly yours,

s/ Brett Van Benthysen
Brett Van Benthysen

cc: Counsel of Record

The proposed schedule is approved.

So Ordered.


GABRIEL W. KORENSTEIN
United States Magistrate Judge

July 11, 2022

¹¹ Prior to Mr. Higgins' deposition, Navigators will produce documents in response to Goyard's recent Second Requests for Production of Documents, which relate to Mr. Higgins' disclosures and report.